

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:)	
)	Chapter 11
)	
GRIDDY ENERGY LLC,)	Case No. 21-30923
)	
Debtor.)	(Jointly Administered)
)	

**ERCOT’S RESPONSES AND OBJECTIONS TO
LISA KHOURY AND THE CLASS ACTION CREDITORS’
SUBPOENA AND REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: Lisa Khoury and the Class Action Creditors, by and through their attorney of record, Derek H. Potts, J. Ryan Fowler, and Batami Baskin, THE POTTS LAW FIRM, LLP, 3737 Buffalo Spadway, suite 1900, Houston, Texas 77098

Electric Reliability Council of Texas, Inc. (“ERCOT”), a creditor in the above entitled and numbered case, responds and objects to Lisa Khoury and the Class Action Creditors’ (“Class Action Creditors”) Notice of Subpoena and Request for Production of Documents Pursuant to Bankruptcy Rule 2004 (ECF. No. 123).

RESPONSES TO REQUESTS FOR PRODUCTION

1. All documents related to the monies billed/charged to Debtor from February 1, 2021 to the present. Please include information on the specific entity, dates, and amounts.

RESPONSE: ERCOT objects to this request on the grounds that it is overly broad because it is not limited to documents involving the Debtor and ERCOT. Subject to the foregoing objection, ERCOT will produce documents regarding monies billed/charged between Debtor and ERCOT between February 1 to the present.

2. All documents related to the monies paid by/received from Debtor from February 1, 2021 to the present. Please include information on the specific entity, dates, and amounts.

RESPONSE: ERCOT objects to this request on the grounds that it is overly broad because it is not limited to documents involving the Debtor and ERCOT. Subject to the foregoing objection,

ERCOT will produce documents regarding monies paid by/received between Debtor and ERCOT from February 1 to the present.

3. All documents related to the monies owed by Debtor from February 1, 2021 to the present. Please include information on the specific entity, dates, and amounts.

RESPONSE: ERCOT objects to this request on the grounds that it is overly broad because it is not limited to documents involving the Debtor and ERCOT. Subject to the foregoing objection, ERCOT will produce documents regarding monies owed between Debtor and ERCOT from February 1 to the present.

4. All settlement invoices and accounting related to the Debtor from February 1, 2021 to the present. Please include information on the specific entity, dates, and amounts.

RESPONSE: ERCOT objects to this request on the grounds that it is overly broad because it is not limited to documents involving the Debtor and ERCOT. Subject to the foregoing objection, ERCOT will produce documents regarding settlement invoices between Debtor and ERCOT from February 1 to the present.

5. All documents showing the amounts and entities who were short-paid by Debtor from February 1, 2021 to the present. Please include information on the specific entity and dates.

RESPONSE: ERCOT objects to this request on the grounds that it is overly broad because it is not limited to documents involving the Debtor and ERCOT. Subject to the foregoing objection, ERCOT will produce documents regarding amounts “short-paid” between Debtor and ERCOT from February 1 to the present.

6. All documents related to any Qualified Scheduling Entities (QSEs) or/and Congestion Revenue Right Account Holders (CRRAs) affiliated with Debtor’s account from February 1, 2021 to the present. Please include information on the specific entity, dates, and amounts.

RESPONSE: ERCOT objects to this request on the grounds that it is overly broad and not limited to transactions involving Debtor. Subject to the foregoing objection, ERCOT will produce documents responsive requests numbers 1-5.

7. All documents that detail when and where the monies paid by/received from Debtor, from February 1, 2021 to the present, including “the total amount paid out to market”, were transferred to.

RESPONSE: ERCOT objects to this request to the extent that it is vague and overly broad regarding monies paid by/received from Debtor. Subject to the foregoing objection, ERCOT will produce documents showing monies paid by Debtor to ERCOT in response to request number two and documents showing payment of settlement invoices relating to Debtor.

8. All contracts, agreements, and communications with Debtor and all other documents directly related to Debtor. Please include a copy of Debtor's market participant agreement and all notices sent in February and March 2021.

RESPONSE: ERCOT objects to this request to the extent that it is overly broad and fails to specify the documents sought with sufficient particularity. Subject to the foregoing objection, ERCOT will produce Debtor's market participant agreement and any default notices sent February and March 2021.

9. All documents, communications, and payments on behalf of or related to Debtor that involve Macquarie Energy LLC, Macquarie Investments US Inc., Griddy Holdings LLC, MQE LLC, or any other entity affiliated with Debtor.

RESPONSE: ERCOT objects to this request to the extent that it is overly broad because it fails to specify a relevant time period. Subject to the foregoing objection, ERCOT will produce any communications about Debtor from February 1, 2021, to the present with an entity that was known to be affiliated with Debtor

10. All documents related to the monies and entities short-paid by Debtor and/or shorted to the market from February 1, 2021 to the present.

RESPONSE: ERCOT objects to this request to the extent that it is overly broad and fails to specify the documents sought in sufficient particularity. ERCOT objects to this request to the extent that it is duplicative of the previous requests. Subject to the foregoing objections, ERCOT will produce any default notices sent in February and March 2021.

11. All documents related to the Qualified Scheduling Entities (QSEs) affiliated with Debtor, including Griddy Energy LLC 1 and MQE LLC.

RESPONSE: ERCOT objects to this request to the extent that it is overly broad because it fails to specify a relevant time period. Subject to foregoing objection, ERCOT will produce any communications about Debtor from February 1, 2021, to the present with an entity that was known to be affiliated with Debtor

12. All documents that detail Debtor's payment breach in February 2021. Please include information on the specific entity, dates, and amounts.

RESPONSE: ERCOT objects to this request to the extent that it is overly broad and fails to specify the documents sought in sufficient particularity. Subject to the foregoing objection, ERCOT will produce any default notices sent in February and March 2021.

13. All documents that detail Debtor's February 16, 2021 request to switch Debtor's customers in a mass transition event and ERCOT's refusal of a mass transition at that time. Please include information on the specific entity, dates, and amounts.

RESPONSE: ERCOT objects to this request to the extent that it fails to specify the documents with sufficient particularity. Subject to the foregoing objection, ERCOT will produce a copy of an email received from Debtor on February 16, 2021, regarding Debtor's customers as well as ERCOT's response.

14. All documents related to preparedness of the electricity grid for the 2020 to 2021 winter season and/or cold weather events.

RESPONSE: ERCOT objects to this request on the grounds that it is overly broad, unduly burdensome, beyond the scope of Rule 2004, and fails to specify the documents sought with sufficient particularity. Counsel for the Class Action Creditors has agreed to abate this request.

15. All documents related to communication with Debtor about Winter Storm Uri and inclement weather.

RESPONSE: ERCOT objects to this request to the extent that it is overly broad, fails to specify the documents sought with sufficient particularity, beyond the scope of Rule 2004, and lacks any relevant time period. Subject to the foregoing objections, ERCOT will produce documents related to communication with Debtor about Winter Storm Uri during February 2021.

Dated: May 17, 2021

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Jamil N. Alibhai

Kevin M. Lippman

Texas Bar No. 00784479

klippman@munsch.com

Deborah Perry

Texas Bar No. 24002755

dperry@munsch.com

Jamil N. Alibhai

Texas Bar No. 00793248

jalibhai@munsch.com

3800 Ross Tower

500 N. Akard Street

Dallas, Texas 75201-6659

Telephone: (214) 855-7500

Facsimile: (214) 855-7584

**ATTORNEYS FOR THE ELECTRIC
RELIABILITY COUNCIL OF TEXAS, INC.**

CERTIFICATE OF SERVICE

I certify that on May 17, 2021, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for United States Bankruptcy Court for the Southern District of Texas.

/s/ Jamil N. Alibhai

Jamil N. Alibhai